



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 4223-98

26 October 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1741 MMSR 6 of 27 September 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1741  
MMSR-6  
27 Sep 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) MMER Route Sheet of 10Sep99, Docket No. 4223-98

1. The reference requests an advisory opinion on the petitioner's request to have his record corrected to show that he is entitled to active duty pay and allowances after 15 January 1998.

2. While a private first class in the Marine Corps, Mr. [REDACTED] was found unfit for further service and directed by the Secretary of the Navy to be discharged by reason of physical disability rated at 0 percent. After accepting the findings of the Naval Medical Command, [REDACTED] was sent home awaiting final disposition. While in that status, Mr. [REDACTED] was discharged effective on 15 January 1998. He states in his petition that he did not receive his separation document (DD Form 214) until 1 March 1998.

3. [REDACTED] was discharged from the Marine Corps on 15 January 1998. Unfortunately, by law, he is not entitled to active duty pay and allowances beyond that date. We, therefore, must regrettably recommend that Mr. [REDACTED] petition not be granted favorable consideration.

  
J. P. RATHBUN, JR.

Head, Separation and  
Retirement Branch  
By direction of the Commandant  
of the Marine Corps